IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

Crl.Rev.Pet.No. 390 of 1996(A)

CRA.34/1994 of SESSIONS COURT, ALAPPUZHA
ST.225/1992 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHERTHALA

REVN. PETITIONER - APPELLANT - ACCUSED:

M.D. JOHN, MANALEL HOUSE, CHERTHALA
MUNICIPAL WARD NO.2, CHERTHALA.

BY ADV. SRI.P.R.JAYAKRISHNAN
SRI.B.RAMACHANDRAN

RESPONDENTS - RESPONDENTS - COMPLAINANT:
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1. N.D. ASOKAN, NIKARTHIL HOUSE,
PATTANAKKAD P.O., CHERTHALA. (DIED)

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR.

ADDITIONAL RESPONDENTS IMPLEADED:
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3. ANOOP, S/O. LATE ASOKAN, AGED 32, NIKARTHIL HOUSE,
PATTANAKKAD P.O., CHERTHALA.

4. ARAVIND, S/O. LATE ASOKAN, AGED 30, DO. DO.

ADDITIONAL RESPONDENTS 3 AND 4 ARE
IMPLEADED AS THE LEGAL HEIRS OF
DECEASED 1ST RESPONDENT AS PER ORDER
DATED 27.6.2006 IN CRL. M.A. NO.5906 OF 2006

BY PUBLIC PROSECUTOR SHRI MOHAMED PUZHAKKARA R2
BY ADV. SRI.K.G.PAVITHRAN R3 & 4

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16.1.2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 390 OF 1996

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Dated this the 4th day of January, 2007

O R D E R

Heard.

2. Revision petitioner was found guilty of offence punishable under Sec6tion 138 of the Negotiable Instruments Act by the Judicial First Class Magistrate No.I, Cherthala in S.T. No. 225 of 1992. Conviction and sentence were confirmed by the Sessions Judge, Alappuzha in Crl. Appeal No.34 of 1994. Challenging those concurrent findings, this Criminal Revision Petition is filed.

3. It is submitted by counsel on both sides that matter is settled out of court. Parties have filed Crl. M.A. No.702 of 2007 for compounding the offence. Today I have allowed that application. In the circumstances, this Criminal Revision Petition is only to be allowed.

4. In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under

Section 138 of the Negotiable Instruments Act are set aside. Revision petitioner is acquitted under Section 320(8) of the Criminal Procedure Code. If the petitioner had deposited any amount in pursuance of the order passed by this Court on 10.4.1996, the same shall be refunded to him.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO .390 OF 1996

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O R D E R

16TH JANUARY, 2007